

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

SHANE S. PEART,

Plaintiff,

v.

Case No. 8:23-cv-1493-WFJ-JSS

STATE OF FLORIDA, ANGELA
CORSON, and RYAN J. DRIESLER,

Defendants.

ORDER

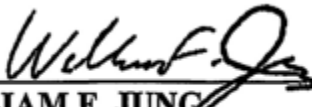
This cause comes before the Court on Plaintiff's application to proceed *in forma pauperis* (Dkt. 13) and the amended complaint (Dkt. 11). The magistrate judge issued a report recommending that the motion be denied and that the amended complaint be dismissed. Dkt. 16. The time for filing objections has passed.

The Court reviews the legal conclusions *de novo* in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010) (citation omitted); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994). The magistrate judge, in a thorough analysis, found that the amended complaint (Dkt. 11) does not satisfy basic pleading requirements in both form and factual allegations and fails to correct the deficiencies discussed in the prior report and

recommendation (Dkt. 5), which was adopted by this Court (Dkt. 10). The magistrate judge again determined that the Eleventh Amendment bars Plaintiff's claims for damages and § 1983 claims against the State of Florida. Dkt. 16 at 2–4. As to Plaintiff's former girlfriend and the Bartow police officer named in the amended complaint, Plaintiff has failed to invoke federal question jurisdiction. *Id.* at 5. For the reasons explained in the Report and Recommendation, and in conjunction with an independent examination of the file, the Court rules as follows:

1. The Report and Recommendation (Dkt. 16) is adopted, confirmed, and approved in all respects and made a part of this order.
2. Plaintiff's motion to proceed *in forma pauperis* (Dkt.13) is denied.
3. Plaintiff's amended complaint (Dkt. 11) is dismissed.
4. The Clerk is directed to terminate any pending motions and deadlines and to close the case.

DONE AND ORDERED at Tampa, Florida, on September 27, 2023.



WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE

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Plaintiff, *pro se*